

# UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA

[This form is for prisoners to sue for civil rights violations. NEATLY print in ink (or type) your answers.]

DARDELL A. JOHNSON JR.  
[You are the **PLAINTIFF**, print your full name on this line.]

v.

LA PORTE COUNTY, -  
[The **DEFENDANT** is who you are suing. Put ONE name on this line. List ALL defendants below, including this one.]

Sheriff's et al.

[The top of this page is the caption. Everything you file in this case must have the same caption. Once you know your case number, it is VERY IMPORTANT that you include it on everything you send to the court for this case. DO NOT send more than one copy of anything to the court.]

SCANNED at ISP and Emailed on  
2-24-25 by KWB - 10 pages  
(date) (initials) (num)

Case Number 3:24-cv-110  
[For a new case in this court, leave blank.  
The court will assign a case number.]

## AMENDED **PRISONER COMPLAINT**

#	Defendant's Name and Job Title	Work Address
1	[Put the defendant named in the caption in this box.] <u>LA PORTE COUNTY SHERIFF</u> <u>DEPT,</u>	<u>County Complex</u> <u>804 State St</u> <u>LA PORTE, IN 46350-3329</u>
2	[Put the names of any other defendants in these boxes.] <u>QUALITY CARE NURSING</u> <u>AGENCY,</u>	<u>County Complex</u> <u>804 State St</u> <u>LA PORTE, IN 46350-3329</u>
3	<u>et al.</u>	"

[If you are suing more defendants, attach an additional page. Number each defendant. Put the name, job title, and work address of each defendant in a separate box as shown here.]

- How many defendants are you suing? 2 (+)
- What is the name and address of your prison or jail? Doc # 302306 -  
150-201 Woodlawn Avenue, Michigan City, IN 46360
- Did the event you are suing about happen there? ☐ Yes. ☒ No, it happened at: The  
La Porte County, IN Jail - 804 State St, La Porte, IN  
46350-3329
- On what date did this event occur? July 23, 2024

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]

CLAIMS and FACTS

DO: Write a short and plain statement telling what each defendant did wrong.

DO: Use simple English words and sentences.

**DO NOT:** Quote from cases or statutes, use legal terms, or make legal arguments.

DO: Explain when, where, why, and how each defendant violated your rights.

DO: Include every fact necessary to explain your case and describe your injuries or damages.

DO: Number any documents you attach and refer to them by number in your complaint.

**DO NOT:** Include social security numbers, dates of birth, or the names of minors.

DO: Use each defendant's name every time you refer to that defendant.

DO: Number your paragraphs. [The first paragraph has been numbered for you.]

1. On July 23, 2024, I (Plaintiff) was confined in the LA PORTE County Jail. I am an amputee and I was trying to shower in the cell block I was assigned to. The jail was to be equipped with facilities - (to wit: toilets, shower, etc.) that are in compliance with the Americans w/ Disabilities Act (ADA). The handicap shower was in non-working order. This caused me to have to use a shower non-equipped w/ the necessary facilities related to my condition. Due to this, I slipped and fell in the shower, causing injury.

2. The fact that the handicap facilities were not working are indicative of deliberate indifference to a serious medical need.

## Claims and Facts (continued)

(a) The La Porte County, IN Sheriff had a duty to provide proper facilities under 42 USC § 1983 (a)(2).

(b) The La Porte County, IN Sheriff failed in this duty. (See) IC § 36-2-13-5(a)(1), and as acting under color of state law. (42 USC § 1983)

(c) Has caused said injury suffered by Plaintiff.

(Reference: enclosed Memorandum of Law.)

3. Plaintiff asserts that he was deliberately deprived of medication prescribed by a duly licensed physician Dr. Louis LAURA prior to his incarceration, prior to June 25, 2024. (See) Cause: 46004-2302-CM-485 (Johnson v. La Porte County Sheriff et al., 2024 U.S. Dist. TEXIS 236038 @ 1\*21.

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— The Plaintiff makes assertion under both 'Monell' and as expanded on in Gill v. City of Milwaukee 2017 US App. 4032 That " (t)he practice is so widespread (re: deliberate indifference as relates to Quality Care Nursing Agency Def't) so as to constitute a governmental custom." (Emphasis - Plaintiff) Re: Monell v. Dep't of Social Services - Dec 1988 U.S. LEXIS 100. Plaintiff instructs this Court to accompany Motion to Compel name(s) of unidentified Defendant(s) in Cause: 3:24-cv-00770-TLS-AZ. With re: to his ability to be able to properly develop this claim for relief. Estelle v. Gamble, —

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— 429 US 93 (1976) and Farmer v. Brennan, 511 US 825 (1994).

As asserted,

(a) Defendant (QUALITY CARE NURSING AGENCY) had a duty under the 8<sup>th</sup> and 14<sup>th</sup> Amendment(s) to provide adequate medical care to a serious medical need (under the 'objective' prong) (See Estelle v. Gamble Id. Citing Greeno v. Daily, 2005 U.S. App. LEXIS 13125 "A medical need is "serious" if it is one that a physician has diagnosed as mandating treatment, or one that is so obvious even a lay person would recognize as needing medical attention."

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— Please Note\* previous opinion and  
order: 3:24-w-110-TLS-AZ @  
1\* 5-61 2024 U.S. Dist LEXIS 236038  
Judge Theresa Lazar Springmann;  
12-30-2024;

"Here, Johnson asserts that he has  
an amputated leg, which could  
amount to a serious medical  
need....."

(b) Defendant's conduct failed  
in performing that duty; and

(c) Through deliberate indifference  
to a serious medical need  
caused an injury while acting  
in concert with a public  
sector entity, (Violative un-  
der 42 USC § 1983, 1991 and  
12183 (a)(2)). \_\_\_\_\_

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- 4) Plaintiff asserts that the Det't (s) (LA PORTE County, IN - Sheriff & QUALITY CARE NURSING AGENCY (SIC)) should have denoted the Plaintiff's condition as an - amputee as indicative of a 'serious medical need'. Cited by the Court on 12-30-2024. Thereby, showing the need to be housed in either the jail infirmary or in a 'medical' cell block - (if available, and which should have been accommodated under the 'ADA', 101 U.S. Public Law - 336, Title III § 303 (104 Stat. 325 - 42 USC § 12183 (a) (2) ) re: New Construction and Alterations in public accommodations and commercial facilities. U.S. Congress - July 26, 1990

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(a) As asserted, Both Defendant(s) had a duty to ensure proper placement of the Plaintiff - as based on the diagnosis of having a "serious medical need". As an Amputee.

(b) Both Defendant(s) as evinced by the Plaintiff's injuries & subsequent pain and suffering (currently pervasive and on-going), have failed in their performance(s) to guarantee that the Plaintiff's rights under the 8<sup>th</sup> and 14<sup>th</sup> Amendment(s) be protected. Thereby, affording the Plaintiff remedial process under Title 42 USC § 1983, 1998 and 12183 (a) (2) respectively.)



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— (c) Defendant(s) actions have led to sustained injuries of both physical nature (pain and suffering) as well as violations of IIED - Intentional Infliction of Emotional Distress. Reflecting need for both compensatory & punitive damages against Defendant(s) for their violations under 42 USC § 1983, 1991 and 12183 (a)(2).

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5. When did this event happen?

- ☐ Before I was confined.  
☐ While I was confined awaiting trial.  
☒ After I was convicted while confined serving the sentence.  
☐ Other: \_\_\_\_\_

6. Have you ever sued anyone for this exact same event?

- ☒ No.  
☐ Yes, attached is a copy of the final judgment OR an additional sheet listing the court, case number, file date, judgment date, and result of the previous case(s).

7. Could you have used a prison grievance system to complain about this event?

- ☒ No, this event is not grievable at this prison or jail. (Time pressed.)  
☐ Yes, I filed a grievance and attached is a copy of the response from the final step.  
☐ Yes, this event was grievable, but I did not file a grievance because \_\_\_\_\_

8. If you win this case, what do you want the court to order the defendant(s) to do?

[NOTE: A case filed on this form will not overturn your conviction or change your release date.]

Plaintiff requests both Compensatory  
and punitive damages in the amounts  
sum certain against,  
LA PORTE COUNTY SHERIFF - \$250,000.00;  
and QUALITY CARE - \$250,000.00  
TOTAL: \$500,000.00 (US)

[Initial Each Statement]

- DJ I will pre-pay the filing fee OR file a prisoner motion to proceed in forma pauperis.  
DJ I will keep a copy of this complaint for my records.  
DJ I will promptly notify the court of any change of address.  
DJ I WILL NOT send more than one copy of any filing to the court.  
DJ I WILL NOT send summons, USM-285, or waiver forms to the clerk.  
DJ I declare under penalty of perjury that the statements in this complaint are true.

I placed this complaint in the prison mail system on 2/24/2025 at 12:00 am/pm.

[Do not fill in this date and time until you give the complaint to prison officials to send to the court.]

Darrell A. Johnson JR.  
Signature DARRELL A. JOHNSON JR.

302306  
Prisoner Number

[DO NOT write in the margins or on the back of any pages. Attach additional pages if necessary.]